

## **CHAPTER 6.00 - SCHOOL ADMINISTRATION**

### **6.38 - Prohibition of Harassment**

#### **POLICY**

The School Board of Levy County forbids harassment in any form, whether by an administrator, teacher, any other adult, or any student on school property, or at any school-related activity. This includes harassment on the basis of race, national origin, disability, sex, religion, age, and sexual harassment.

- (1) Harassment is defined as inappropriate treatment of other persons because of race, national origin, or disability, when:
  - (a) Such conduct is made explicitly or covertly.
  - (b) Such conduct has the purpose or effect of unreasonably interfering with the institution's climate or culture.
  - (c) Such conduct creates an intimidating, hostile, or offensive environment.
- (2) Examples of harassment may include, but not be limited to the following behaviors:
  - (a) Unsolicited comments, whether directed to the victim or made about the victim, whether in the presence of the victim or not ( i.e. jokes, slurs, vulgar language, derogatory comments or derogatory materials).
  - (b) Any other discriminatory actions.
- (3) Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other inappropriate oral, written or physical conduct of a sexual nature when:

- (a) Such conduct is made either explicitly a term or condition of an individual's employment;
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile or offensive working environment.

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### **(4) Examples of Sexual Misconduct Behaviors**

Sexual harassment as defined above may include but is not limited to the following behaviors:

- (a) Staring or leering with sexual overtones;
- (b) Spreading sexual gossip, whether true or not;
- (c) Unwanted sexual comments, whether directed to the victim or made about the victim, whether in the presence of the victim or not (i.e., jokes, slurs, vulgar language and sexually derogatory comments, and pornographic materials);
- (d) Pressure for sexual activity; or
- (e) Any unwanted physical contact of a sexual nature (i.e., "pats" or physical touching).

Sexual harassment does not refer to occasional compliments or welcomed interactions of a socially acceptable nature.

### **(5) Prohibition of Harassment**

- (a) The above listed behaviors will not be tolerated and will render the employee guilty of such behavior subject to disciplinary action as described below:
  - 1. Participation in one or more sessions on the problems of harassment in our culture and in our school;
  - 2. Apology to the victim;
  - 3. Research or other academic work on the topic of harassment;
  - 4. Transfer away from the victim of the harassment;
  - 5. Further counseling or referral to employee assistance program;
  - 6. Suspension with pay;
  - 7. Suspension without pay;
  - 8. Return to annual contract status;

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9. Termination;
  10. Referral to Professional Practices Services Commission; or
  11. Referral to local law enforcement;
- (b) The nature of the discipline shall be determined by the Superintendent or his/her designee, and shall be based upon the nature and degree of the offense.
- (c) Students who engage in such conduct shall be subjected to disciplinary action as described below:
1. Participation in one or more sessions on the problem of harassment in our culture and in our school;
  2. Apology to the victim;
  3. Research or other academic work on the topic of harassment;
  4. Further counseling, if indicated;
  5. Detention;
  6. Suspension;
  7. Expulsion; or
  8. Referral to local law enforcement.
- (d) The nature of the discipline shall be determined by the principal, and shall be based upon the nature and degree of the offense.
- (e) Any occasion of harassment by any other person or persons shall result in the immediate removal of such person from any school facility, and may result in the banning of such person from any other school facility or activity for such period of time as the Superintendent may feel is warranted by the nature and degree of the harassment. Such occasion of harassment shall also be reported to the appropriate law enforcement agency.
- (6) Procedures
- (a) The Director of Personnel shall be the District's contact person for all matters dealing with harassment.

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The name, address, and telephone number of this person shall be made available throughout all school facilities, whether schools, administrative offices, maintenance facilities or otherwise.

- (b) Any person who alleges harassment by any staff member or student of the Levy County School System may use the District's grievance procedures and contact the Director of Personnel, or may report such actions to any teacher, principal, administrator, or other responsible person within the school site where the action occurred.
- (c) Filing a complaint of harassment will not reflect upon the individual's status, future employment, work assignments, future grades or extracurricular activities.
- (d) All complaints of harassment shall be reported to the Director of Personnel and investigated as promptly as practicable.
- (e) The rights to confidentiality, both of the complainant and of the accused, will be respected, consistent with the Board's legal obligations and with the necessity to investigate allegation of misconduct and take corrective action when this conduct has occurred.
- (f) In determining whether alleged conduct constitutes harassment, the totality of the circumstances, the nature of conduct, and the context in which the alleged conduct occurred will be investigated. The Superintendent or designee, Principal or Director of Personnel has the responsibility of investigating and resolving complaints of harassment.
- (g) A substantiated charge against a School Board employee shall subject such employee to disciplinary action, including but not limited to warning, suspension or termination, subject to applicable procedural requirements.
- (h) A substantiated charge against a student shall subject that student to disciplinary action, including but not limited to suspension or expulsion, consistent with the Code of Student Conduct.
- (i) All decisions on discipline arising from harassment shall be reviewed and approved by the Superintendent and the Director of Personnel to ensure uniformity within the District.

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- (j) Copies of records on all complaints of harassment, including the results of the investigation, the findings as to the charge, and the action taken as a result of the complaint shall be maintained in the office of the Director of Personnel.

### **(7) Educational Activities and In-Service Training**

The Director of Personnel, in conjunction with the district staff, guidance counselors and social workers shall develop educational and in-service training sessions dealing with the problem of harassment in our culture and in our schools, and shall accumulate and circulate materials for inclusion in educational training activities within the school sites and other facilities within the district.

- (8) It is the responsibility of any employee to promptly report any occurrence of alleged harassment.

**STATUTORY AUTHORITY:** 1001.41 (1) (2), 1001.42 (17), 1012.23, F.S.

**LAWS IMPLEMENTED:** 1000.05, 1012.22 (5), 1012.22 (5), F.S. 760.01 Et. Seq.

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